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| 10/630,339 | 07/30/2003 | Jeff G. Bone | DEEP1110-1 | 9306 |
| 44654 7590 11/01/2007 SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705 | | | | |
| | | | EXAMINER DWIVEDI, MAHESH H | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/630,339

Applicant(s)

BONE ET AL.

Examiner

Mahesh H. Dwivedi

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37 and 39-105 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37 and 39-105 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION**Remarks**

1. Receipt of Applicant's Amendment, filed on 09/25/2007, is acknowledged. The amendment includes the withdrawal of claims 1-36 and 106-113, and the cancellation of claim 38.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 37, 39-43, 52-59, 69-76, 86-93, and 103-105 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Heilig et al.** (U.S. PG PUB 2002/0046262) in view of **Britton et al.** (U.S. Patent 6,654,814).

5. Regarding claim 37, **Heilig** teaches a system comprising:

- A) a network (Paragraph 50);
- B) a plurality of client computers (Paragraph 58);
- C) each client computer comprising: a client processor (Paragraph 58);
- D) a client network interface to connect to and interface with the network (Paragraphs 50 and 58);

Art Unit: 2168

- E) a client computer readable medium accessible by the client processor, storing a client program executable by the client processor to: generate a first filesystem request (Paragraph 103);
- F) receive a first filesystem response (Paragraph 116);
- G) an intermediary device comprising: an intermediary processor (Paragraph 116);
- H) an intermediary network interface to connect to and interface with the network (Paragraph 116);
- I) an intermediary computer readable medium accessible by the intermediary processor and executable to: provide a client-facing filesystem interface (Paragraph 102);
- J) provide a server-facing filesystem interface (Paragraphs 117-118 and 122);
- K) receive the first filesystem request from a requesting client according to the client-facing filesystem interface (Paragraph 103);
- L) pass the first filesystem request to a server as a proxy request according to the server-facing filesystem interface (Paragraph 107);
- O) receive a server response from the server according to the server facing interface (Paragraphs 120 and 124);
- P) pass the server response to the requesting client as the first filesystem response (Paragraph 124);
- Q) a plurality of servers (Paragraph 31);
- R) each server further comprising: a server processor (Paragraph 31);
- S) a server interface coupled to the server processor to connect to and interface with the network (Paragraphs 117-118 and 122);
- T) a server computer readable medium storing a server program executable by the server processor to: provide an origin filesystem (Paragraph 31);
- U) receive the proxy request from the intermediary device (Paragraph 120);
- V) execute a requested operation (Paragraph 120);
- W) generate the server response (Paragraphs 120 and 124); and

Art Unit: 2168

X) communicate the server response to the intermediary computer (Paragraph 124).

Heilig does not explicitly teach:

M) wherein passing the first filesystem request as a proxy request comprises applying a set of rules to the first filesystem request to determine if the first filesystem request should be modified;

N) and if it is determined that the first filesystem request should be modified, modifying the first filesystem request to generate the proxy request.

Britton, however, teaches **"wherein passing the first filesystem request as a proxy request comprises applying a set of rules to the first filesystem request to determine if the first filesystem request should be modified"** as "As seen in FIG. 3, when the browser 52 transmits a request, the client-side proxy 54 receives the request and determines if it is the first request for the current session (block 100). If the request is the first request, then it is determined if the client data processing system is capable of and has a preference for performing the content transformation or "tailoring" (i.e. should content tailoring occur at the client data processing system 50 or at another data processing system) (block 102). This information, along with other information about the client data processing system 50 and the session, such as for example, data processing capability, available memory, display type and size, resource availability, connection type, priorities for requested information, connection duration, or the like, is incorporated into the request (block 104). Client preferences and other session information (blocks 102 and 104) may reside at the client data processing system 50 or they may be obtained from a server during device initialization, at user logon or with each session. A user identification, such as a userid, may also be included in the request (block 106). The information added or otherwise contained in the request may collectively be referred to as "session specific information." After incorporating the session specific information in the request, the request is sent to the server-side proxy 64 (block 108). Returning to block 100 of FIG. 3, if the request from the browser 52

Art Unit: 2168

is not the first request, then, if the server side stores the previously transmitted session specific information, the only information which would need to be inserted into the request is the user identification and a session identifier to indicate that the previously transmitted session specific information remains valid (block 106)" (Column 11, lines 1-32), and **"and if it is determined that the first filesystem request should be modified, modifying the first filesystem request to generate the proxy request"** as "As seen in FIG. 3, when the browser 52 transmits a request, the client-side proxy 54 receives the request and determines if it is the first request for the current session (block 100). If the request is the first request, then it is determined if the client data processing system is capable of and has a preference for performing the content transformation or "tailoring" (i.e. should content tailoring occur at the client data processing system 50 or at another data processing system) (block 102). This information, along with other information about the client data processing system 50 and the session, such as for example, data processing capability, available memory, display type and size, resource availability, connection type, priorities for requested information, connection duration, or the like, is incorporated into the request (block 104). Client preferences and other session information (blocks 102 and 104) may reside at the client data processing system 50 or they may be obtained from a server during device initialization, at user logon or with each session. A user identification, such as a userid, may also be included in the request (block 106). The information added or otherwise contained in the request may collectively be referred to as "session specific information." After incorporating the session specific information in the request, the request is sent to the server-side proxy 64 (block 108). Returning to block 100 of FIG. 3, if the request from the browser 52 is not the first request, then, if the server side stores the previously transmitted session specific information, the only information which would need to be inserted into the request is the user identification and a session identifier to indicate that the previously transmitted session specific information remains valid (block 106)" (Column 11, lines 1-32).

Art Unit: 2168

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Britton's** would have allowed **Heilig's** to provide a method to improve the custom-tailoring of client-requested data in order to better exploit the resources available to the clients, as noted by **Britton** (Column 3, lines 13-15).

Regarding claim 39, **Heilig** does not explicitly teach a system comprising:
A) wherein the intermediary program is executable to apply active rules to the first filesystem request.

Britton, however, teaches "**wherein the intermediary program is executable to apply active rules to the first filesystem request**" as "As seen in FIG. 3, when the browser 52 transmits a request, the client-side proxy 54 receives the request and determines if it is the first request for the current session (block 100). If the request is the first request, then it is determined if the client data processing system is capable of and has a preference for performing the content transformation or "tailoring" (i.e. should content tailoring occur at the client data processing system 50 or at another data processing system) (block 102). This information, along with other information about the client data processing system 50 and the session, such as for example, data processing capability, available memory, display type and size, resource availability, connection type, priorities for requested information, connection duration, or the like, is incorporated into the request (block 104). Client preferences and other session information (blocks 102 and 104) may reside at the client data processing system 50 or they may be obtained from a server during device initialization, at user logon or with each session. A user identification, such as a userid, may also be included in the request (block 106). The information added or otherwise contained in the request may collectively be referred to as "session specific information." After incorporating the session specific information in the request, the request is sent to the server-side proxy 64 (block 108). Returning to block 100 of FIG. 3, if the request from the browser 52 is not the first request,

Art Unit: 2168

then, if the server side stores the previously transmitted session specific information, the only information which would need to be inserted into the request is the user identification and a session identifier to indicate that the previously transmitted session specific information remains valid (block 106)" (Column 11, lines 1-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Britton's** would have allowed **Heilig's** to provide a method to improve the custom-tailoring of client-requested data in order to better exploit the resources available to the clients, as noted by **Britton** (Column 3, lines 13-15).

Regarding claims 40, 59, 76, and 93, **Heilig** further teaches a system, an intermediary device, device, and method comprising:

A) modifying the server response to generate the proxy response (Paragraphs 61 and 67).

The examiner notes that **Heilig** teaches "**modifying the server response to generate the proxy response**" as "the proxy server may utilize information included in the client data request to determine whether a rendering, i.e. further processing or rewriting of the data is necessary before transmission to the client" (Paragraph 61).

Regarding claims 41, 56, 73, and 90, **Heilig** further teaches a system, an intermediary device, device, and method comprising:

A) determining whether to further process the filesystem request (Paragraph 115);

B) generating a redirect reply (Paragraphs 133-135); and

C) communicating the redirect reply to the requesting client (Paragraphs 133-135).

The examiner notes that **Heilig** teaches "**determining whether to further process the filesystem request**" as "In case the determining module 422

Art Unit: 2168

concludes that the request received from the client 102i does not require any rendering operations...the proxy server 420 may directly transmit the requested data to the client device" (Paragraph 115). The examiner further notes that **Heilig** teaches "**generating a redirect reply**" as "The proxy server 420 then generates a dummy response or link message 521, e.g., in data retrieval module 421, wherein the link message instructs the client to redirect the data request to the processing server 410" (Paragraph 133). The examiner further notes that **Heilig** teaches "**communicating the redirect reply to the requesting client**" as "The proxy server 420 then generates a dummy response or link message 521, e.g., in data retrieval module 421, wherein the link message instructs the client to redirect the data request to the processing server 410" (Paragraph 133).

Regarding claim 42, **Heilig** further teaches a system comprising:

- A) wherein the client program at each client is further executable to: receive the redirect response as the first filesystem response (Paragraphs 133-135);
- B) generate a second filesystem request (Paragraphs 133-135); and
- C) communicate the second filesystem request to the origin server (Paragraphs 133-135).

The examiner notes that **Heilig** teaches "**wherein the client program at each client is further executable to: receive the redirect response as the first filesystem response**" as "The proxy server 420 then generates a dummy response or link message 521, e.g., in data retrieval module 421, wherein the link message instructs the client to redirect the data request to the processing server 410" (Paragraph 133). The examiner further notes that **Heilig** teaches "**generate a second filesystem request**" as "The proxy server 420 then generates a dummy response or link message 521, e.g., in data retrieval module 421, wherein the link message instructs the client to redirect the data request to the processing server 410" (Paragraph 133). The examiner further notes that **Heilig** teaches "**communicate the second filesystem request to the origin server**" as "The proxy server 420 then generates a dummy response or link

Art Unit: 2168

message 521, e.g., in data retrieval module 421, wherein the link message instructs the client to redirect the data request to the processing server 410" (Paragraph 133).

Regarding claim 43, **Heilig** further teaches a system comprising:

- A) wherein the server program at the origin server is further executable to: receive the second filesystem request (Paragraphs 133-135);
- B) execute a requested operation (Paragraphs 133-135);
- C) generate a second server response (Paragraphs 133-135); and
- D) pass the second server response to the requesting client (Paragraphs 133-135).

The examiner notes that **Heilig** teaches **"wherein the server program at the origin server is further executable to: receive the second filesystem request"** as "The proxy server 420 then generates a dummy response or link message 521, e.g., in data retrieval module 421, wherein the link message instructs the client to redirect the data request to the processing server 410" (Paragraph 133). The examiner further notes that **Heilig** teaches **"execute a requested operation"** as "The proxy server 420 then generates a dummy response or link message 521, e.g., in data retrieval module 421, wherein the link message instructs the client to redirect the data request to the processing server 410" (Paragraph 133). The examiner further notes that **Heilig** teaches **"generate a second server response"** as "The proxy server 420 then generates a dummy response or link message 521, e.g., in data retrieval module 421, wherein the link message instructs the client to redirect the data request to the processing server 410" (Paragraph 133). The examiner further notes that **Heilig** teaches **"pass the second server response to the requesting client"** as "The proxy server 420 then generates a dummy response or link message 521, e.g., in data retrieval module 421, wherein the link message instructs the client to redirect the data request to the processing server 410" (Paragraph 133).

Art Unit: 2168

Regarding claims 52, 69, 86, and 103, **Heilig** further teaches a system, an intermediary device, device, and method comprising:

- A) comparing the filesystem request to a programmable rulebase to determine if the filesystem request matches a pattern (Paragraphs 149-150); and
- B) if the filesystem request matches a pattern, executing an action associated with the pattern (Paragraphs 149-150).

The examiner notes that **Heilig** teaches “**comparing the filesystem request to a programmable rulebase to determine if the filesystem request matches a pattern**” as “in the event that the client generates a data request concerning a document exceeding a predetermined size, the user may set a preference to render the data” (Paragraph 150). The examiner further notes that **Heilig** teaches “**if the filesystem request matches a pattern, executing an action associated with the pattern**” as “in the event that the client generates a data request concerning a document exceeding a predetermined size, the user may set a preference to render the data” (Paragraph 150).

Regarding claims 53, 70, 87, and 104, **Heilig** further teaches a system, an intermediary device, device, and method comprising:

- A) executing the action out-of-band (Paragraph 156).

The examiner notes that **Heilig** teaches “**executing the action out-of-band**” as “The proxy server may still retrieve at least some of the requested data, for example a part of the requested data including data type information, until a decision on rendering is possible and then stop retrieving the requested data” (Paragraph 156).

Regarding claims 54, 71, 88, and 105, **Heilig** further teaches a system, an intermediary device, device, and method comprising:

- A) executing the action in-band (Paragraphs 149-150).

The examiner notes that **Heilig** teaches “**executing the action in-band**” as “in the event that the client generates a data request concerning a document

Art Unit: 2168

exceeding a predetermined size, the user may set a preference to render the data" (Paragraph 150).

Regarding claim 55, **Heilig** teaches an intermediary device comprising:

- A) a processor (Paragraph 116);
- B) a network interface to connect to and interface with a network. (Paragraph 50);
- C) a computer readable medium accessible by the processor and executable to: provide a client-facing filesystem interface (Paragraph 102);
- D) provide a server-facing filesystem interface (Paragraphs 117-118, and 122);
- E) receive a filesystem request from a requesting client according to the client-facing filesystem interface (Paragraph 103);
- F) pass the filesystem request to a server as a proxy request according to the server-facing filesystem interface (Paragraph 107);
- I) receive a server response from the server according to the server-facing interface (Paragraphs 120 and 124); and
- J) pass the server response to the requesting client as a proxy response (Paragraph 124).

The examiner notes that **Heilig** teaches **"a computer readable medium accessible by the processor and executable to: provide a client-facing filesystem interface"** as "The client 102i may be connected to the wide area network 401 via I/O interface 408" (Paragraph 102). The examiner further notes that **Heilig** teaches **"providing a server-facing filesystem interface"** as "Communication between the client 102i and the processing server 410 may include a bitmap protocol or X Windows protocol" (Paragraph 122). The examiner further notes that **Heilig** teaches **"receive a filesystem request from a requesting client according to the client-facing filesystem interface"** as "The client 102i preferably sends requests to the proxy server 420" (Paragraph 103). The examiner further notes that **Heilig** teaches "pass the filesystem request to a server as a proxy request according to the server-facing filesystem

Art Unit: 2168

interface” as “Preferably this involves sending a request from the proxy server 420 to the data server 440” (Paragraph 102). The examiner further notes that Heilig teaches **“receive a server response from the server according to the server-facing interface”** as “It is noted that processing server 410 may also be arranged to transmit the rendered data to the client on a return path including the proxy server” (Paragraph 124). The examiner further notes that Heilig teaches **“pass the server response to the requesting client as a proxy response”** as “It is noted that processing server 410 may also be arranged to transmit the rendered data to the client on a return path including the proxy server” (Paragraph 124).

Heilig does not explicitly teach:

G) wherein passing the first filesystem request as a proxy request comprises applying a set of rules to the first filesystem request to determine if the first filesystem request should be modified;

H) and if it is determined that the first filesystem request should be modified, modifying the first filesystem request to generate the proxy request.

Britton, however, teaches **“wherein passing the first filesystem request as a proxy request comprises applying a set of rules to the first filesystem request to determine if the first filesystem request should be modified”** as “As seen in FIG. 3, when the browser 52 transmits a request, the client-side proxy 54 receives the request and determines if it is the first request for the current session (block 100). If the request is the first request, then it is determined if the client data processing system is capable of and has a preference for performing the content transformation or “tailoring” (i.e. should content tailoring occur at the client data processing system 50 or at another data processing system) (block 102). This information, along with other information about the client data processing system 50 and the session, such as for example, data processing capability, available memory, display type and size, resource availability, connection type, priorities for requested information, connection duration, or the like, is incorporated into the request (block 104).

Art Unit: 2168

Client preferences and other session information (blocks 102 and 104) may reside at the client data processing system 50 or they may be obtained from a server during device initialization, at user logon or with each session. A user identification, such as a userid, may also be included in the request (block 106). The information added or otherwise contained in the request may collectively be referred to as "session specific information." After incorporating the session specific information in the request, the request is sent to the server-side proxy 64 (block 108). Returning to block 100 of FIG. 3, if the request from the browser 52 is not the first request, then, if the server side stores the previously transmitted session specific information, the only information which would need to be inserted into the request is the user identification and a session identifier to indicate that the previously transmitted session specific information remains valid (block 106)" (Column 11, lines 1-32), and **"and if it is determined that the first filesystem request should be modified, modifying the first filesystem request to generate the proxy request"** as "As seen in FIG. 3, when the browser 52 transmits a request, the client-side proxy 54 receives the request and determines if it is the first request for the current session (block 100). If the request is the first request, then it is determined if the client data processing system is capable of and has a preference for performing the content transformation or "tailoring" (i.e. should content tailoring occur at the client data processing system 50 or at another data processing system) (block 102). This information, along with other information about the client data processing system 50 and the session, such as for example, data processing capability, available memory, display type and size, resource availability, connection type, priorities for requested information, connection duration, or the like, is incorporated into the request (block 104). Client preferences and other session information (blocks 102 and 104) may reside at the client data processing system 50 or they may be obtained from a server during device initialization, at user logon or with each session. A user identification, such as a userid, may also be included in the request (block 106). The information added or otherwise contained in the request

Art Unit: 2168

may collectively be referred to as "session specific information." After incorporating the session specific information in the request, the request is sent to the server-side proxy 64 (block 108). Returning to block 100 of FIG. 3, if the request from the browser 52 is not the first request, then, if the server side stores the previously transmitted session specific information, the only information which would need to be inserted into the request is the user identification and a session identifier to indicate that the previously transmitted session specific information remains valid (block 106)" (Column 11, lines 1-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Britton's** would have allowed **Heilig's** to provide a method to improve the custom-tailoring of client-requested data in order to better exploit the resources available to the clients, as noted by **Britton** (Column 3, lines 13-15).

Regarding claims 57, 74, and 91, **Heilig** further teaches an intermediary device, device, and method comprising:

A) wherein the redirect reply is configured to prompt the requesting client to generate a second filesystem request to the server (Paragraphs 133-135).

The examiner notes that **Heilig** teaches "**wherein the redirect reply is configured to prompt the requesting client to generate a second filesystem request to the server**" as "The proxy server 420 then generates a dummy response or link message 521, e.g., in data retrieval module 421, wherein the link message instructs the client to redirect the data request to the processing server 410" (Paragraph 133).

Regarding claims 58, 75, and 92, **Heilig** does not explicitly teach an intermediary device, device, and method comprising:

A) modifying the filesystem request to generate the proxy request.

Britton, however, teaches "**modifying the filesystem request to generate the proxy request**" as "As seen in FIG. 3, when the browser 52

Art Unit: 2168

transmits a request, the client-side proxy 54 receives the request and determines if it is the first request for the current session (block 100). If the request is the first request, then it is determined if the client data processing system is capable of and has a preference for performing the content transformation or "tailoring" (i.e. should content tailoring occur at the client data processing system 50 or at another data processing system) (block 102). This information, along with other information about the client data processing system 50 and the session, such as for example, data processing capability, available memory, display type and size, resource availability, connection type, priorities for requested information, connection duration, or the like, is incorporated into the request (block 104). Client preferences and other session information (blocks 102 and 104) may reside at the client data processing system 50 or they may be obtained from a server during device initialization, at user logon or with each session. A user identification, such as a userid, may also be included in the request (block 106). The information added or otherwise contained in the request may collectively be referred to as "session specific information." After incorporating the session specific information in the request, the request is sent to the server-side proxy 64 (block 108). Returning to block 100 of FIG. 3, if the request from the browser 52 is not the first request, then, if the server side stores the previously transmitted session specific information, the only information which would need to be inserted into the request is the user identification and a session identifier to indicate that the previously transmitted session specific information remains valid (block 106)" (Column 11, lines 1-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Britton's** would have allowed **Heilig's** to provide a method to improve the custom-tailoring of client-requested data in order to better exploit the resources available to the clients, as noted by **Britton** (Column 3, lines 13-15).

Art Unit: 2168

Regarding claims 72, and 89, Heilig teaches a device, and method comprising:

- A) providing a client-facing filesystem interface (Paragraph 102);
- B) providing a server-facing filesystem interface (Paragraphs 117-118, and 122);
- C) receiving a filesystem request from a requesting client according to the client-facing filesystem interface (Paragraph 103);
- D) passing the filesystem request to a server as a proxy request according to the server-facing filesystem interface (Paragraph 107);
- G) receiving a server response from the server according to the server-facing interface (Paragraphs 120 and 124); and
- H) passing the server response to the requesting client as a proxy response (Paragraph 124).

The examiner notes that Heilig teaches **“providing a client-facing filesystem interface”** as “The client 102i may be connected to the wide area network 401 via I/O interface 408” (Paragraph 102). The examiner further notes that Heilig teaches **“providing a server-facing filesystem interface”** as “Communication between the client 102i and the processing server 410 may include a bitmap protocol or X Windows protocol” (Paragraph 122). The examiner further notes that Heilig teaches **“receiving a filesystem request from a requesting client according to the client-facing filesystem interface”** as “The client 102i preferably sends requests to the proxy server 420” (Paragraph 103). The examiner further notes that Heilig teaches **“passing the filesystem request to a server as a proxy request according to the server-facing filesystem interface”** as “Preferably this involves sending a request from the proxy server 420 to the data server 440” (Paragraph 102). The examiner further notes that Heilig teaches **“receiving a server response from the server according to the server-facing interface”** as “It is noted that processing server 410 may also be arranged to transmit the rendered data to the client on a return path including the proxy server” (Paragraph 124). The examiner further notes that Heilig teaches **“passing the server response to the requesting client as**

Art Unit: 2168

a proxy response" as "It is noted that processing server 410 may also be arranged to transmit the rendered data to the client on a return path including the proxy server" (Paragraph 124).

Heilig does not explicitly teach:

E) wherein passing the first filesystem request as a proxy request comprises applying a set of rules to the first filesystem request to determine if the first filesystem request should be modified;

F) and if it is determined that the first filesystem request should be modified, modifying the first filesystem request to generate the proxy request.

Britton, however, teaches **"wherein passing the first filesystem request as a proxy request comprises applying a set of rules to the first filesystem request to determine if the first filesystem request should be modified"** as "As seen in FIG. 3, when the browser 52 transmits a request, the client-side proxy 54 receives the request and determines if it is the first request for the current session (block 100). If the request is the first request, then it is determined if the client data processing system is capable of and has a preference for performing the content transformation or "tailoring" (i.e. should content tailoring occur at the client data processing system 50 or at another data processing system) (block 102). This information, along with other information about the client data processing system 50 and the session, such as for example, data processing capability, available memory, display type and size, resource availability, connection type, priorities for requested information, connection duration, or the like, is incorporated into the request (block 104). Client preferences and other session information (blocks 102 and 104) may reside at the client data processing system 50 or they may be obtained from a server during device initialization, at user logon or with each session. A user identification, such as a userid, may also be included in the request (block 106). The information added or otherwise contained in the request may collectively be referred to as "session specific information." After incorporating the session specific information in the request, the request is sent to the server-side proxy 64

Art Unit: 2168

(block 108). Returning to block 100 of FIG. 3, if the request from the browser 52 is not the first request, then, if the server side stores the previously transmitted session specific information, the only information which would need to be inserted into the request is the user identification and a session identifier to indicate that the previously transmitted session specific information remains valid (block 106)" (Column 11, lines 1-32), and **"and if it is determined that the first filesystem request should be modified, modifying the first filesystem request to generate the proxy request"** as "As seen in FIG. 3, when the browser 52 transmits a request, the client-side proxy 54 receives the request and determines if it is the first request for the current session (block 100). If the request is the first request, then it is determined if the client data processing system is capable of and has a preference for performing the content transformation or "tailoring" (i.e. should content tailoring occur at the client data processing system 50 or at another data processing system) (block 102). This information, along with other information about the client data processing system 50 and the session, such as for example, data processing capability, available memory, display type and size, resource availability, connection type, priorities for requested information, connection duration, or the like, is incorporated into the request (block 104). Client preferences and other session information (blocks 102 and 104) may reside at the client data processing system 50 or they may be obtained from a server during device initialization, at user logon or with each session. A user identification, such as a userid, may also be included in the request (block 106). The information added or otherwise contained in the request may collectively be referred to as "session specific information." After incorporating the session specific information in the request, the request is sent to the server-side proxy 64 (block 108). Returning to block 100 of FIG. 3, if the request from the browser 52 is not the first request, then, if the server side stores the previously transmitted session specific information, the only information which would need to be inserted into the request is the user identification and a

Art Unit: 2168

session identifier to indicate that the previously transmitted session specific information remains valid (block 106)" (Column 11, lines 1-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Britton's** would have allowed **Heilig's** to provide a method to improve the custom-tailoring of client-requested data in order to better exploit the resources available to the clients, as noted by **Britton** (Column 3, lines 13-15).

6. Claims 44-51, 60-68, 77-85, and 94-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Heilig et al.** (U.S. PGPUB 2002/0046262) in view of **Britton et al.** (U.S. Patent 6,654,814) as applied to claims 37, 39-43, 52-59, 69-76, 86-93, and 103-105 and further in view of **Kao** (U.S. Patent 5,870,734).

7. Regarding claims 44, 61, 78, and 95, **Heilig** and **Britton** do not explicitly teach a system, an intermediary device, device, and method comprising:

- A) defining an import space comprising one or more of the origin filesystems;
- B) defining an export space comprising one or more union filesystems; and
- C) wherein the one or more union filesystems are based on the one or more origin filesystems in the import space.

Kao, however, teaches "**defining an import space comprising one or more of the origin filesystems**" as "The virtual node architecture allows the present system to accommodate diverse file systems by permitting each node to designate an individual physical file storage system" (Column 5, lines 8-11) and "Any directory or file in the present file system is represented by a vnode, in accordance with the virtual node architecture" (Column 6, lines 29-31), "**defining an export space comprising one or more union filesystems**" as "The virtual node architecture allows the present system to accommodate diverse file systems by permitting each node to designate an individual physical file storage system" (Column 5, lines 8-11) and "Any directory or file in the present file system is represented by a vnode, in accordance with the virtual node architecture" (Column 6, lines 29-31), and "**wherein the one or more union**

Art Unit: 2168

filesystems are based on the one or more origin filesystems in the import space” as “The virtual node architecture allows the present system to accommodate diverse file systems by permitting each node to designate an individual physical file storage system” (Column 5, lines 8-11) and “Any directory or file in the present file system is represented by a vnode, in accordance with the virtual node architecture” (Column 6, lines 29-31).

The examiner notes that by having a virtual node architecture representation (see “vnodes”), **Kao’s** method must have an origin filesystem (see “individual physical file storage system”) which is virtually represented as those vnodes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Kao’s** would have allowed **Heilig’s** and **Britton’s** to provide a method for recognition of all mounted file systems for clients, as noted by **Kao** (Column 4, lines 18-22).

Regarding claims 45, 62, 79, and 96, **Heilig** and **Britton** do not explicitly teach a system, an intermediary device, device, and method comprising:

A) wherein further comprising stack organizing the one or more origin filesystems in the import space into a stack.

Kao, however, teaches “**wherein further comprising stack organizing the one or more origin filesystems in the import space into a stack**” as “The Z-stack is constructed by linking (Z-links) the vnodes representing a pre-selected set of directories” (Column 6, lines 29-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Kao’s** would have allowed **Heilig’s** and **Britton’s** to provide a method for recognition of all mounted file systems for clients, as noted by **Kao** (Column 4, lines 18-22).

Art Unit: 2168

Regarding claims 46, 63, 80, and 97, **Heilig** and **Britton** do not explicitly teach a system, an intermediary device, device, and method comprising:

A) stack organizing the one or more origin filesystems by subsuming files and directories from lower origin filesystems in the stack into similarly named files and directories from higher origin filesystems in the stack.

Kao, however, teaches “**stack organizing the one or more origin filesystems by subsuming files and directories from lower origin filesystems in the stack into similarly named files and directories from higher origin filesystems in the stack**” as “The “Z-Beam_up” operations copies files in a specified directory at a lower level in the Z-stack to a specified directory at a higher level in the Z-stack” (Column 7, lines 20-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Kao’s** would have allowed **Heilig’s** and **Britton’s** to provide a method for recognition of all mounted file systems for clients, as noted by **Kao** (Column 4, lines 18-22).

Regarding claims 47, 64, 81, and 98, **Heilig** further teaches a system, an intermediary device, device, and method comprising:

A) wherein the filesystem request further comprises the requested operation and a file upon which the requested operation is to occur (Paragraph 58).

The examiner notes that **Heilig** teaches “**wherein the filesystem request further comprises the requested operation and a file upon which the requested operation is to occur**” as “a request from a user device 102i, where user device 102i can be any one of the plurality of user devices 102A to 102F, specifies (i) a suitable address to the location where the content associated with the request is stored, for example, an address in the form of a uniform resource locator (URL)...the types of data that can be processed and displayed to the user device” (Paragraph 58).

Art Unit: 2168

Regarding claims 48, 65, 82, and 99, **Heilig** and **Britton** do not explicitly teach a system, an intermediary device, device, and method comprising:

A) passing the proxy request based on the filesystem request to a topmost origin filesystem in the stack that contains the file upon which the requested operation is to occur.

Kao, however, teaches **“passing the proxy request based on the filesystem request to a topmost origin filesystem in the stack that contains the file upon which the requested operation is to occur”** as “If the path names traverses a Z-stack, the lookup procedure starts at the top directory vnode in the stack to search for the desired entry” (Column 6, lines 46-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Kao’s** would have allowed **Heilig’s** and **Britton’s** to provide a method for recognition of all mounted file systems for clients, as noted by **Kao** (Column 4, lines 18-22).

Regarding claims 49, 66, 83, and 100, **Heilig** and **Britton** do not explicitly teach a system, an intermediary device, device, and method comprising:

A) passing the proxy request to a topmost origin filesystem in the stack that contains an innermost directory associated with the file upon which the requested operation is to occur.

Kao, however, teaches **“passing the proxy request to a topmost origin filesystem in the stack that contains an innermost directory associated with the file upon which the requested operation is to occur”** as “IF the user changes to the parent directory of dir_cp, the current directory is moved to the directory at the top of the Z-stack” (Column 6, lines 62-64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Kao’s** would have allowed **Heilig’s** and **Britton’s** to provide a method

Art Unit: 2168

for recognition of all mounted file systems for clients, as noted by **Kao** (Column 4, lines 18-22).

Regarding claims 50, 67, 84, and 101, **Heilig** and **Britton** do not explicitly teach a system, an intermediary device, device, and method comprising:

A) flagging a particular file in an upper origin filesystem in the stack to prevent particular other files in one or more lower origin filesystems in the stack from becoming visible.

Kao, however, teaches “**flagging a particular file in an upper origin filesystem in the stack to prevent particular other files in one or more lower origin filesystems in the stack from becoming visible**” as “the original paths are blocked between lower level vnodes in the stack and their original parent directories” (Column 7, lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Kao's** would have allowed **Heilig's** and **Britton's** to provide a method for recognition of all mounted file systems for clients, as noted by **Kao** (Column 4, lines 18-22).

Regarding claims 51, 68, 85, and 102, **Heilig** and **Britton** do not explicitly teach a system, an intermediary device, device, and method comprising:

A) wherein the particular file and particular other files share a common name.

Kao, however, teaches “**wherein the particular file and particular other files share a common name**” as “FIG. 2” (Figure 2).

The examiner notes that Figure 2 of **Kao** teaches multiple directories having files with common names (see “awk” and “liby.a”)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Kao's** would have allowed **Heilig's** and **Britton's** to provide a method

Art Unit: 2168

for recognition of all mounted file systems for clients, as noted by **Kao** (Column 4, lines 18-22).

Regarding claims 60, 77, and 94, **Heilig** and **Britton** do not explicitly teach a system, an intermediary device, device, and method comprising:
A) presenting a union filesystem via the client-facing interface.

Kao, however, teaches “**presenting a union filesystem via the client-facing interface**” as “A file system uses a virtual node architecture to create a three-dimensional directory” (Abstract) and “file systems are manipulated through an object called a “vfs”, or virtual file system” (Column 3, lines 17-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Kao's** would have allowed **Heilig's** and **Britton's** to provide a method for recognition of all mounted file systems for clients, as noted by **Kao** (Column 4, lines 18-22).

Response to Arguments

8. Applicant's arguments filed 09/25/2007 have been fully considered but they are not persuasive.

Applicants argue on page 24 that “**Applicants respectfully traverse the rejection under 35 U.S.C. 103 because there is no motivation either expressly or impliedly by the reference to support a rejection on the stated grounds**”. However, the examiner wishes to state that the motivation is cited in both of the secondary references of **Britton** and **Kao**.

Applicants argue on pages 25-26 that “**limitation E) the client computer readable medium accessible by the client processor to generate a first filesystem request**” is taught in Paragraph [103] of **Heilig**...A review of paragraph [0103] find no support for this assertion...A true reading of this paragraph merely teaches or suggest, that a request for data to be rendered is being made by the proxy server at the client server and nothing more. It fails to address the filesystem limitation as it applies to the

Art Unit: 2168

present invention". However, the examiner wishes to refer to Paragraph 103 of **Heilig** which states "The client 102i preferably sends requests to the proxy server 420" (Paragraph 103). The examiner further wishes to state that the limitation merely recites **"the client computer readable medium accessible by the client processor to generate a first filesystem request"**. The examiner further wishes to state that it is clear that **Heileg's** client system generates a file request (see "client 102i preferably sends requests"). Moreover, the aforementioned limitation is entirely broad and as a result, **Heilig** clearly teaches the broad language of the limitation.

Applicants argue on page 26 that **"Paragraph [116] states that in case it is determined that the requested data needs to be rendered before transmission to the client, a storing module at the proxy server may be used to store the requested data in an intermediate store...This citation fails to address receiving of a first filesystem response as defined by the specification. The entire paragraph is silent on this issue"**. However, the examiner wishes to refer to Paragraph 116 of **Heilig** which states "In case it is determined that the requested data need to be rendered before transmission to the client, storing module 423 at the proxy server may be used to store the requested data in intermediate memory store 430" (Paragraph 116). The examiner further wishes to state that the limitation merely recites **"receive a first filesystem response"**. The examiner further wishes to state that it is clear that **Heileg's** client system receives a response from its generated request (see "the requested data need to be rendered before transmission to the client"). Moreover, the aforementioned limitation is entirely broad and as a result, **Heilig** clearly teaches the broad language of the limitation. Furthermore, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "This citation fails to address receiving of a first filesystem response as defined by the specification") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are

Art Unit: 2168

not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants argue on page 27 that **"Applicants respectfully further assert that, 'the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention'".** In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicants argue on page 27 that **"The Examiner also does not take into account that the invention of Britton is only applicable to the first request of a session and not for modifying the underlying data (e.g. the request itself) as do embodiments of the present invention. Britton does not teach or suggest, inherently or explicitly, the application of the rules to all, or even more than one, of the requests by any user, regardless of whether it is the same session. Nor does Britton teach or suggest the modification of the underlying data"**. However, the examiner wishes to refer to Column 11 of **Britton** which states "As seen in FIG. 3, when the browser 52 transmits a request, the client-side proxy 54 receives the request and determines if it is the first request for the current session (block 100). If the request is the first request, then it is determined if the client data processing system is capable of and has a preference for performing the content transformation or "tailoring" (i.e. should content tailoring occur at the client data processing system 50 or at another data processing system) (block 102). This information, along with other information about the client data processing system 50 and the session, such as for example, data processing capability, available memory, display type and size,

Art Unit: 2168

resource availability, connection type, priorities for requested information, connection duration, or the like, is incorporated into the request (block 104). Client preferences and other session information (blocks 102 and 104) may reside at the client data processing system 50 or they may be obtained from a server during device initialization, at user logon or with each session. A user identification, such as a userid, may also be included in the request (block 106). The information added or otherwise contained in the request may collectively be referred to as "session specific information." After incorporating the session specific information in the request, the request is sent to the server-side proxy 64 (block 108). Returning to block 100 of FIG. 3, if the request from the browser 52 is not the first request, then, if the server side stores the previously transmitted session specific information, the only information which would need to be inserted into the request is the user identification and a session identifier to indicate that the previously transmitted session specific information remains valid (block 106)". The examiner further wishes to state that the limitations merely recite **"wherein passing the first filesystem request as a proxy request comprises applying a set of rules to the first filesystem request to determine if the first filesystem request should be modified" and "and if it is determined that the first filesystem request should be modified, modifying the first filesystem request to generate the proxy request"**. The examiner further wishes to state that it is clear that Britton's system modifies a client request ("After incorporating the session specific information in the request, the request is sent to the server-side proxy 64 (block 108)") according to rules ("if it is the first request").

Applicants argue on page 28 that **"The Examiner at pages 12-13 of the Official Action, attempts through hindsight to reconstruct the present invention"**. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into

Art Unit: 2168

account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicants argue on page 28 that **"The most that can be said of Britton is that it appends data to the filesystem request to be utilized in the same or subsequent user sessions. It does not modify the filesystem request such that it performs a different function or achieves a different result as do embodiments of the present invention"**. However, the examiner wishes to refer to Column 11 of **Britton** which states "As seen in FIG. 3, when the browser 52 transmits a request, the client-side proxy 54 receives the request and determines if it is the first request for the current session (block 100). If the request is the first request, then it is determined if the client data processing system is capable of and has a preference for performing the content transformation or "tailoring" (i.e. should content tailoring occur at the client data processing system 50 or at another data processing system) (block 102). This information, along with other information about the client data processing system 50 and the session, such as for example, data processing capability, available memory, display type and size, resource availability, connection type, priorities for requested information, connection duration, or the like, is incorporated into the request (block 104). Client preferences and other session information (blocks 102 and 104) may reside at the client data processing system 50 or they may be obtained from a server during device initialization, at user logon or with each session. A user identification, such as a userid, may also be included in the request (block 106). The information added or otherwise contained in the request may collectively be referred to as "session specific information." After incorporating the session specific information in the request, the request is sent to the server-side proxy 64 (block 108). Returning to block 100 of FIG. 3, if the request from the browser 52 is not the first request, then, if the server side stores the previously transmitted session specific information, the only information

Art Unit: 2168

which would need to be inserted into the request is the user identification and a session identifier to indicate that the previously transmitted session specific information remains valid (block 106)". The examiner further wishes to state that the limitations merely recite **"wherein passing the first filesystem request as a proxy request comprises applying a set of rules to the first filesystem request to determine if the first filesystem request should be modified"** and **"and if it is determined that the first filesystem request should be modified, modifying the first filesystem request to generate the proxy request"**. The examiner further wishes to state that it is clear that Britton's system modifies a client request ("After incorporating the session specific information in the request. Moreover, appending something a request, modifies that request. Furthermore, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "It does not modify the filesystem request such that it performs a different function or achieves a different result as do embodiments of the present invention") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants argue on page 28 that **"Britton is only applicable to the first request of a session and does not analyze or modify multiple filesystem requests"**. However, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **"does not analyze or modify multiple filesystem requests"**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Art Unit: 2168

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,122,629 issued to **Walker et al.** on 19 September 2000. The subject matter disclosed therein is pertinent to that of claims 37, and 39-105 (e.g., methods to optimize and process client requests).

U.S. Patent 6,463,465 issued to **Nieuwejaar** on 08 October 2002. The subject matter disclosed therein is pertinent to that of claims 37, and 39-105 (e.g., methods to optimize and process client requests).

U.S. Patent 6,085,234 issued to **Pitts et al.** on 04 July 2000. The subject matter disclosed therein is pertinent to that of claims 37, and 39-105 (e.g., methods to optimize and process client requests).

U.S. Patent 6,247,139 issued to **Walker et al.** on 12 June 2001. The subject matter disclosed therein is pertinent to that of claims 37, and 39-105 (e.g., methods to optimize and process client requests).

U.S. Patent 6,161,191 issued to **Slaughter et al.** on 12 December 2000. The subject matter disclosed therein is pertinent to that of claims 37, and 39-105 (e.g., methods to optimize and process client requests).

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Art Unit: 2168

Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahesh Dwivedi whose telephone number is (571) 272-2731. The examiner can normally be reached on Monday to Friday 8:20 am – 4:40 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached (571) 272-3642. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


October 16, 2007



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